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STATE OF MONTANA

1951

LAWS

Governing

**The Practice of
Barbering**



REVISED CODES OF 1957

The Practice of Barbering

With Rules and Regulations



REVISED CODES OF 1957

STATE BOARD

~~CLARENCE E. ELLIS, Secretary~~

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Butte, Montana 59701

STATE OF MONTANA

1951

LAWS

Governing



3 REPORTER PRtg. & SUPPLY CO.

REVISED CODES

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HISTORY

Original Enactment:

Chapter 127, Laws of 1929.

Amendments:

Chapter 18, Laws of 1931—

Sections 66-403, 66-409, 66-410, 66-411.

Chapter 183, Laws of 1937—

Sections 66-401, 66-402, 66-403, 66-411.

Chapter 150, Laws of 1939—

Sections 66-403, 66-404, 66-405, 66-409,
66-410, 66-311, 66-412.

Constitutionality of licensing upheld:

State v. Bays (1935) 100 Mont. 125, 47 P
2d 50.

“Section 66-401 (3228.19). Sanitation of Barber Shops, Barber Schools and Barber Colleges and definition of term ‘Barber Shop.’ All barber shops, barber schools and barber colleges shall be operated and maintained in a sanitary condition so as to preserve the public health and prevent the spread of disease. The Board of Barber Examiners and the State Board of Health of the State of Montana are hereby empowered to make and enforce all reasonable rules and regulations

so as to preserve the public health and prevent the spread of disease. No barber, or barber apprentice, shall receive a certificate of registration nor a renewal of same, until he has presented to the Board of Barber Examiners a physician's certificate showing him to be free of physical ailments that would tend to endanger the health of the public, and any person practicing barbering without a certificate of registration is guilty of a violation of this Act.

(a) It shall be unlawful for any barber, barber apprentice or student of barbering to practice the occupation of a barber, or do any barber work while he has an infectious, contagious or communicable disease that would endanger the health of the public.

(b) If a barber or barber apprentice, shall, after securing his certificate contract a communicable, infectious or contagious disease, endangering the public health, the Board shall upon proof of same revoke or suspend his certificate of registration until such time as the Board shall have satisfactory proof that such barber or barber apprentice is no longer afflicted with such communicable, infectious or contagious disease.

(c) The term 'barber shop' as used herein is defined as a place where any person or persons carry on, engage in, or practice the business of barbering as the same is defined in sections 66-401 to 66-412.

"Section 66-402 (3228.20). Practice of Barbering defined. Any one or any combination of the following practices when done upon the human body for tonsorial purposes and not for the

treatment of disease or physical or mental ailments and when done for payment, either directly or indirectly, constitutes the practice of barbering:

Shaving or trimming the beard.

Cutting the hair.

Giving facial or scalp massage, or treatment with oils, creams, lotions or other preparations, either by hand or mechanical appliances.

Singeing or shampooing the hair or applying hair tonic; or dyeing the hair of male persons.

Applying cosmetic preparations, antiseptics, powders, oils, lotions to scalp, face or neck.

"Section 66-403 (3228.21) Licensing and registration of barbers, barber shops, barber schools and barber colleges, prohibiting barber schools and colleges from charging patrons for services.

A. A person is qualified to receive a certificate of registration to practice barbering.

(1) Who has practiced as a registered apprentice for a period of eighteen (18) months under the immediate personal supervision of a registered barber; and who has passed a satisfactory examination conducted by the Board of Barber Examiners to determine his or her fitness to practice barbering as defined by Section 66-402.

(2) Who is a graduate of a standardized school of barbering, having a curriculum as adopted by the National Education Council of Barber Examiners, and who has attended such school for the time prescribed herein and which

school of barbering has been approved by the Board of Barber Examiners of the State of Montana, and who has passed a satisfactory and practical examination conducted by the said Board of Barber Examiners to determine his or her fitness to practice barbering.

(3) Who has served as an apprentice. An apprentice, for the purpose of this act, is a person who receives instruction in an approved barber school, or college, or from a barber authorized to practice barbering in the State of Montana.

Every apprentice must file with the Board of Barber Examiners a statement in writing showing the name and place of business of his or her instructor, or school, the date of commencement of the apprenticeship, and the full name and age of said apprentice, and shall pay to the Board of Barber Examiners a fee of Four Dollars (\$4.00), whereupon the Board of Barber Examiners shall issue the said apprentice a card.

B. No registered apprentice may independently practice, or engage in the practice of barbering; however, he may do any and all of the arts which constitute the practice of barbering when so done under the immediate personal supervision of a registered barber.

C. No school, or college, of barbering shall be approved by the Board of Barber Examiners unless it teaches the curriculum of the standardized school approved by the National Educational Council of Barber Examiners. Students of said schools or colleges may, after attending such schools for a period of six (6) months, make application to the Board of Barber Examiners for

an apprenticeship certificate to practice barbering under the immediate personal supervision of a licensed barber for the period of one (1) year, after which time said students may then make application to take the examinations for a barber's certificate of registration.

D. A barber shop, school or college must be conducted at a fixed place of establishment; no person or corporation shall open or maintain a barber shop, school or college, or hold himself or itself out as engaging in or conducting a barber shop, school or college, unless first licensed so to do by the Board of Barber Examiners. Every barber shop, or college, operating within the State of Montana must be in charge of a person who has had ten (10) years continuous experience as a barber, providing that the owner of such school, or college shall first secure from the Board of Barber Examiners a permit to operate on payment of an annual license fee of Fifty Dollars (\$50.00), and shall keep said permit prominently displayed, and shall before commencing business file with the Secretary of State a bond to the State of Montana, which bond shall be approved by the Attorney General, in the sum of Two Thousand (\$2,000.00) Dollars conditioned upon the faithful compliance of said barber school, or college, with all the provisions of this Chapter; and to pay all judgments that may be obtained against said schools, or colleges, or the owners thereof on account of fraud, misrepresentation or deceit practiced by them, or by their agents; provided further, that all barber schools, or colleges, shall keep prominently displayed a substantial sign as a barber school, or barber

college: Provided, further, that all barber schools, or colleges, upon receiving students shall immediately apply to the Board of Barber Examiners for student permits upon blank forms provided by the Board of Barber Examiners for such purpose.

An application for a barber shop, school or college license shall be in writing and verified on a form provided by the Board of Barber Examiners. Upon receipt of an application for a license hereunder, and upon payment of the initial inspection fees, said Board of Barber Examiners shall cause an investigation and inspection to be made as to the character of the applicant, and upon proper notice and after proper hearing shall report its finds to the Secretary of the Board of Barber Examiners, who shall grant a license if the Board of Barber Examiners finds that the applicant is of good character and that the proposed barber shop, school or college is equipped and will be conducted as required by this act. Every application must be granted or refused within thirty (30) days from the date of filing of such application or within fifteen (15) days after the close of the hearing upon the application in case a hearing is held.

E. No barber shop license shall be issued in this state to anyone except one who holds a regular valid barber's certificate as provided for by this act, and no barber shop shall be maintained or conducted in this state except by one who holds a barber shop license issued by the Board of Barber Examiners as provided by this act, and this certificate shall not be transferable as to person or place.

F. Before a license is issued to conduct a barber shop, school or college which shall be established in this state on or after the date this act goes into effect, such barber shop, school or college must be inspected and approved by the Board of Barber Examiners and shall meet with the following requirements: (1) Must have both hot and cold running water-connected with city water supply. In villages or towns where running water is not available, hot water tanks shall have not less than two gallon (2) capacity with gravity pressure. Waste water shall be disposed of through some system, carrying it away from the building. This shall be done by sewer connections, or in a manner meeting with the requirements of the State Department of Health rules and regulations, city ordinances, and having the approval of the city or village board of health, as required by law. (2) The head-rest of every barber chair must be equipped so that each customer will be supplied with a clean fresh paper or towel before its use for any person. (3) Must have a closed cabinet for each chair, to keep instruments in when not in use, and must have proper sterilization equipment for immersing instruments before use on each customer. (4) Must have sufficient number of towels so that each customer will be served with a clean laundered towel. (5) Must be well lighted, well ventilated, and kept in a clean, orderly and sanitary condition at all times. (6) Must pay to the Board of Barber Examiners the required fee.

G. All barber shops, barber schools or colleges shall be open for inspection at any time during business hours, to any member of the

Board or its agents or assistants, and it shall be the duty of every owner or manager of a barber shop licensed under this act to make certain that each barber employed therein holds a certificate to practice barbering in Montana, and that all employees observe the sanitary rules of the State Department of Health and the Board of Barber Examiners and report to the Board of Barber Examiners the name of any person practicing barbering therein, who has a communicable disease.

H. The Board of Barber Examiners may either refuse to issue or renew, or may suspend or revoke any barber shop, barber school or barber college license for any one or combination of any of the following causes: (1) The violation of any of the provisions of subdivisions 1, 2, 3, 4, and 5 of Subsection F of this Section, Subsection G of this Section, and Section 66-405; (2) Conviction of a felony, shown by a certified copy of the record of the court of conviction; (3) Gross malpractice or gross incompetency; (4) Continued practice by a person knowingly having an infectious or contagious disease; (5) Advertising by means of knowingly false or deceptive statements; (6) Advertising, practicing or attempting to practice under a trade name other than one's own; (7) Habitual drunkenness or habitual addiction to the use of morphine, cocaine, or other habit-forming drugs; (8) The commission of any of the offenses described in Section 66-409

I. Any applicant whose license has been refused, suspended or revoked by the Board of Barber Examiners under this act may within ten (10) days of such action file a petition in the

district court in the county in which the applicant resides. The licensee shall be named as plaintiff and the Board of Barber Examiners as defendant. Said court shall have jurisdiction after notice to the Board of Barber Examiners to hear and determine said petition in a summary manner, and to reverse, vacate or modify the order of the Board of Barber Examiners complained of, if upon consideration of the record, such court is of the opinion that such order was unlawful or unreasonable. The trial of the district court upon such an appeal shall be de novo. The decision of the Board of Barber Examiners shall not be stayed by the proceedings on appeal and such appeal shall not operate to restore the right of the licensee to operate a barber shop pending such appeal. The Attorney General shall defend said action of the Board of Barber Examiners on behalf of the State; but the county attorney of the county where the petition is filed, at the request of the Attorney General, shall appear and defend such action."

"Section 66-404 (3228.22). **Present Practitioners.** Any person engaged in the practice of barbering in this State at the time this act goes into effect, provided he furnish a satisfactory physician's certificate, approved by the State Board of Health, shall be granted a certificate of registration as a registered barber without other examination, provided further that such person shall apply for a certificate on or before August 1, 1929.

Any barber shop, school or college established, maintained and operated in this State prior to the date this act goes into effect, pro-

vided its owner or manager furnish satisfactory evidence of compliance with the laws heretofore governing barber shops, schools or colleges in this State, shall be granted a license, provided further, that such owner or manager shall apply for such license and pay the required fee on or before May 31, 1939. Any change in the ownership or management of a barber shop, school or college, on or after the date this act goes into effect, whether by sale or otherwise shall render such barber shop, school or college subject to all the provisions of Section 66-403 and Section 66-405.

"Section 66-405 (3228.23). Display of Certificate and License. Every holder of a certificate of registration shall display it in a conspicuous place, adjacent to or near his or her work chair.

Every license to operate a barber shop, school or college shall specify the name of the licensee and shall be kept in a conspicuous place in the barber shop, school or college. No barber shop, school or college shall be conducted or held forth as being conducted under any name except the name appearing as licensee on the license issued by the Board of Barber Examiners.

Every barber shop shall display its schedule of prices in a conspicuous place.

"Section 66-406 (3228.24). Board of Barber Examiners, Creation, Qualifications, Appointment and Term of Office. A Board to be known as a Board of Barber Examiners is established to consist of three (3) members appointed by the Governor. Each member shall be a practical barber who has followed the occupation of barber in

this State for at least five (5) years immediately prior to his appointment. The membership of the first Board of Barber Examiners shall serve for three (3) years, two (2) years and one (1) year respectively as appointed, and members appointed thereafter shall serve for three (3) years. The Governor may remove a member for cause.

"Section 66-407 (3228.25). The Officers, Official Seal, Bond. The Board shall elect a president, secretary and treasurer. It shall adopt and use a common seal for the authentication of its orders and records. The secretary shall keep a record of all proceedings of the Board and shall at least once a month turn over to the treasurer of the Board all moneys collected. The secretary and treasurer shall each furnish a surety bond in the sum of Five Thousand Dollars (\$5,000.00), for the faithful performance of his duties; said bond to be filed with the Secretary of State and shall be approved by the Governor.

"Section 66-408 (3228.26). Compensation, Funds and Reports. Each member of the Board shall receive a compensation of Fifteen Dollars (\$15.00) per day while attending Board meetings together with legitimate and necessary expense incurred in attending the meetings of said Board.

The Board of Barber Examiners shall be self-sustaining financially and no funds of the State shall be paid for the operation and maintenance of said Board. The disbursements of said Board shall be paid out upon the warrant of the president and secretary.

The Board shall make an annual report of its proceedings and moneys expended by it to the

Governor of the State for the year ending on the 31st day of December preceding the making of said report.

"Section 66-409 (3228.27). Powers and Duties. The Board of Barber Examiners shall conduct practical examinations of applicants for certificates of registration to practice as registered barbers, not less than four (4) times each year at such times and places as the Board of Barber Examiners may determine. Said examination shall cover the fundamentals of barbering, dermatology and sanitation. The Board of Barber Examiners shall issue all certificates of registration. The Board of Barber Examiners may, at its discretion, appoint inspectors with authority to inspect barber shops, their compensation to be the same as provided for members of the Board of Barber Examiners while engaged in said duties.

The Board of Barber Examiners shall have power to approve price agreements, establishing minimum prices for barber work, signed and submitted to the Board of Barber Examiners by any organized group or groups of at least 75 per cent of the barbers in any city or town, within the State of Montana, should the Board of Barber Examiners, after ascertaining by such investigation and proofs as the condition permits and requires, find that such price agreement is just and under varying conditions will best protect the public health and safety by affording a sufficient minimum price for barber work to enable the barbers to furnish modern and healthful services and appliances so as to minimize the danger to the public health incident to such work. For the purpose of this act, a city or town shall be

deemed to include, in addition to the territory within its legal limits, the territory adjacent to it and lying within three miles of said legal limits. In determining whether any such price agreement is just and will best protect the public health and safety, the Board shall take into consideration all conditions affecting the barber business in its relation to the public health and safety.

In determining reasonable minimum prices the Board of Barber Examiners shall take into consideration the necessary cost incurred in the city or town in maintaining a barber shop in a clean, healthful and sanitary condition.

The Board of Barber Examiners, after making such investigation, shall fix by official order the minimum price for all work usually performed in a barber shop within the city or town in which such price agreement has been signed.

The Board of Barber Examiners may upon the petition of 50% of the barbers of the said city or town readjust the minimum prices and such new prices must be approved by 75% of the barbers in the city or town providing that any apprentice barber shall charge not less than 50% of the approved price in the said city or town. Provided, further, that this section shall not apply to students who have been enrolled less than six months in any barber college in the State of Montana or until they become apprentice barbers.

The Board of Barber Examiners shall have authority to make necessary rules and regulations for the administration of the provisions of this act not inconsistent with this act nor the laws of this State."

"Section 66-410 (3228.28). Penalty. Any person practicing the occupation of a barber without first having obtained a license, as provided in this act, or any person knowingly employing a barber who has not obtained such a license, or any person who falsely pretends to be qualified to practice such occupation under this act, and any person who violates any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Twenty-five (\$25.00) Dollars nor more than Two Hundred (\$200.00) Dollars, or imprisonment in the county jail for not less than Ten (10) days nor more than Ninety (90) days, or both. In addition to the penalty hereinbefore prescribed, the Board of Barber Examiners may, after hearing, suspend or revoke any barber's certificate of registration, or license to operate a barber shop, school or college, or both by reason of any person wilfully violating this act or persistently failing to conform to the lawful rules and regulations promulgated by the Board of Barber Examiners."

"Section 66-411 (3228.29). Fees to Be Paid by Apprentice, Students, Barbers, and Barber Shops.

A. The fee to be paid by an applicant for an examination to determine his or her fitness to receive a certificate of registration to practice barbering as defined in this act, shall be Fifteen (\$15.00) Dollars, and for the issuance of said certificate an additional Four (\$4.00) Dollars. The fee to be paid by an apprentice or student for a certificate of registration shall be the sum of Four (\$4.00) Dollars.

B. Each person registered as a barber, or

barber apprentice, shall on or before the first day of July of each year pay a license fee of Four (\$4.00) Dollars for the renewal of his or her certificate of registration, and if any barber, or barber apprentice, shall fail to have such certificate renewed on or before the first day of August of each year such barber, or barber apprentice, shall upon the renewal of said certificate of registration pay a penalty or a restoration fee, of Five (\$5.00) Dollars in addition to the regular fee of Four (\$4.00) Dollars provided for herein, and if a certificate of registration is not renewed within one year after date of expiration thereof such barber, or barber apprentice, shall not be entitled to have such certificate of registration renewed, or a new certificate of registration issued, without first applying for and taking the examination and paying the fees provided for by this section. Provided further, however, that physically handicapped men and women, trained for the barber profession by the state bureau of civilian rehabilitation and certified by that department as having successfully completed a six (6) months course in a reputable barber college will not be required to pay any fees, but will for a period of One (1) year immediately following their training be exempted from all except the sanitary provisions of the barber act or any of its amendments and provided, further, that no other or additional license, or fee shall be imposed upon barbers, or barber apprentices, by a municipality or other subdivision of the State of Montana.

C. In addition to the fees and charges now provided by existing law, all barber shops heretofore established, and which have been under the

inspection of the Board of Barber Examiners, shall pay an annual license fee of Three (\$3.00) Dollars. Barber shops hereafter established shall pay an initial inspection license fee of Fifteen (\$15.00) Dollars for the first year or portion thereof, and shall pay an annual license fee of Three (\$3.00) Dollars for each calendar year thereafter.

D. All barber shops, schools or college licenses shall expire on the 31st day of May of each year, following the issuance of said license, and every owner or manager of a barber shop, school or college which continues in active operation shall annually, on or before May 31st renew his barber shop, school or college license and pay the required fee.

Every barber shop, school or college license which has not been renewed during the month of May in any year shall expire on the 31st day of May in that year, and for the restoration of an expired barber shop license the fee shall be Ten Dollars (\$10.00), and for an expired barber school or college license, the fee shall be Fifty-five Dollars (\$55.00).

“Section 66-412 (3228.30). After June 1, 1939, no person shall practice or attempt to practice barbering or serve or attempt to serve as a barber apprentice without first having received from the Board of Barber Examiners a certificate of registration.

After June 1, 1939, it shall be unlawful to operate a barber shop, school or college unless it has first been duly licensed by the Board under the provisions of this act.

REVISED CODES OF MONTANA, 1957

Section 94-3511 (11040). **Conducting Barber Business on Sunday.** It is unlawful to conduct the business of hair cutting, shaving, or shampooing, or to open barber shops for doing of such business, on Sunday.

Section 94-3512 (11041). **Penalty.** Any person violating the provisions of this Act is guilty of a misdemeanor and upon conviction thereof shall be fined for the first offense not less than fifteen dollars and not to exceed fifty dollars, and for any subsequent violation, a fine not less than twenty-five dollars and not exceeding one hundred dollars shall be imposed.

Approved by:

J. HUGO ARONSON, 1957

RULES AND REGULATIONS

**Adopted by the Montana State Board of
Barber Examiners, Governing Sanitary
Conditions of Barber Shops, Barber
Schools and Barber Colleges.**

RULE 1: After April 1, 1939, no barber shop license shall be issued by the Board of Barber Examiners to any person who shall install a barber shop in a residence, place where food or drink is prepared or served, or sleeping apartments, unless a solid partition of ceiling height separates the portion used therefor; and the barber shop shall have a public entrance, and no doors opening from the residence, place where food or drink is prepared or served, or sleeping apartments, into the barber shop.

The provisions of this Rule are not retroactive, and shall not apply to barber shops in their present location established prior to April 1, 1939; nor shall it apply to barber shops hereafter established in towns having less than 500 population.

RULE 2: Razors, scissors-blades, tweezers, needles, and other instruments and appliances (excepting clippers) shall be thoroughly cleansed and then disinfected by immersion for at least one minute in a disinfecting solution before being used on each customer.

RULE 3: Combs and brushes must be cleansed and then immersed in a one to one thousand solution of bichloride of mercury, or some

equally efficient disinfectant for at least three minutes after use upon a patron. Combs must be left in the disinfectant solution at all times when not being used. The need of a common hair-brush is discouraged.

RULE 4: Clippers must be kept clean at all times, and the plates shall be disinfected by being dipped.

RULE 5: All cups, bowls, basins and razor strops shall be kept clean at all times.

RULE 6: Hair or neck dusters shall be washed with soap and hot water, and dipped in a disinfectant solution at least once each day, and it shall be kept clean at all times. No common powder puff or sponge shall be used.

RULE 7: Clean, freshly laundered towels must be used for each patron, and includes the dry, steam towel or wash cloth.

RULE 8: Alum or other material used to stop the flow of blood shall be used in the liquid or powder form only. The use of the common styptic pencil or lump alum is prohibited.

RULE 9: Whenever a hair-cloth is used as in cutting hair, shampooing, etc., a newly laundered towel or other protection shall be placed around the neck so as to prevent the hair-cloth from touching the patron's skin. All soiled towels, wash-cloths, neck protectors, etc., must be discarded immediately after being used on a patron.

RULE 10: Every barber shall wash his hands with soap and fresh water immediately before serving each patron.

RULE 11: Cuspidors must be thoroughly cleansed each day and a disinfectant solution left in them at all times.

RULE 12: Failure on the part of the owner or manager of a barber shop, barber school or barber college to comply with the foregoing Rules and Regulations shall be deemed as sufficient cause to revoke their barber shop, barber school or barber college license.

RULE 13: Any order validly issued by the board pursuant to Section 66-409, R.C.M., 1947, shall be binding upon all shops and upon all barbers, individually, who practice in the city or town for which such order is made. Such order has the force and effect of a rule and regulation formally promulgated by the board.

Approved by the Montana State Board of
Health March 24, 1939.

Approved by the Montana State Board of
Barber Examiners, June 11, 1951.

